

**AMENDMENTS TO THE CLAIMS:**

Please amend the claims as indicated in the listing of the claims below. The following listing of claims replaces any previous listing of the claims:

1-10. (Canceled)

11. (Currently amended) A method of scheduling cable modems in a broadband communications system, comprising:

receiving bandwidth allocation requests from the cable modems;  
for each of the bandwidth allocation requests, determining a mini-slot size based on a modulation and symbol rate associated with a respective bandwidth allocation request;  
scheduling transmission on a physical upstream channel from the cable modems associated with each of the bandwidth allocation requests based on a respective mini-slot;  
segregating the physical upstream channel into multiple virtual upstream channels, wherein where each of the multiple virtual upstream channels is associated with a different modulation and symbol rate;  
grouping the cable modems into a plurality of groups; and  
assigning a different one of the multiple virtual upstream channels to each of the plurality of groups for upstream transmission.

12-38. (Canceled)

39. (Currently amended) A method, comprising:  
grouping cable modems into a plurality of groups of cable modems, wherein where the cable modems are grouped into the plurality of groups based on a latency associated with each of the plurality of groups; and

assigning a different virtual upstream channel to each of the plurality of groups, wherein where each virtual upstream channel is associated with a different modulation, symbol rate or preamble.

40. (Canceled)

41. (Currently amended) The method of claim 39, further comprising:  
differentiating slower cable modems from faster cable modems; and  
assigning bandwidth to the cable modems based on the differentiation such that to allow the slower cable modems ~~are allowed~~ to transmit data proportionately more frequently than the faster cable modems.

42. (Previously presented) The method of claim 39, further comprising:  
sending a message, that allocates upstream bandwidth, on each of the different virtual upstream channels.

43. (Currently amended) The method of claim 42, wherein where each message pertains to cable modems of a group of the plurality of groups assigned to a respective virtual upstream channel.

44. (Currently amended) The method of claim 39, wherein where each virtual upstream channel is associated with a different mini-slot size.

45. (Currently amended) The method of claim 44, wherein where a different modulation and symbol rate is associated with each different virtual upstream channel, [[and]] the method further comprising:

receiving bandwidth requests from multiple ones of the cable modems;

for each of the bandwidth requests, determining a mini-slot size based on the modulation and symbol rate of the virtual upstream channel to which a respective cable modem is assigned; and

scheduling transmission on a physical channel from cable modems associated with each of the bandwidth requests based on a respective mini-slot size.

46. (Currently amended) A cable modem termination system (CMTS), comprising:

means for grouping cable modems into a plurality of groups of cable modems, ~~wherein where~~ the cable modems are grouped into the plurality of groups based on a latency associated with each of the plurality of groups; and

means for assigning a different virtual upstream channel to each of the plurality of groups, ~~wherein where~~ each virtual upstream channel is associated with a different modulation, symbol rate or preamble.

47. (Canceled)

48. (Currently amended) The system of claim 46, further comprising:

means for differentiating slower cable modems from faster cable modems; and

means for assigning bandwidth to the cable modems based on the differentiation ~~such that to allow~~ the slower cable modems ~~are allowed~~ to transmit data proportionately more frequently than the faster cable modems.

49. (Previously presented) The system of claim 46, further comprising:

means for sending a message, that allocates upstream bandwidth, on each of the different virtual upstream channels.

50. (Currently amended) The system of claim 49, wherein where each message pertains to cable modems of a group of the plurality of groups assigned to a respective virtual upstream channel.

51. (Currently amended) The system of claim 46, wherein where each virtual upstream channel is associated with a different mini-slot size.

52. (Currently amended) The system of claim 51, wherein where a different modulation and symbol rate is associated with each different virtual upstream channel, [[and]] the system further comprising:

means for receiving bandwidth requests from multiple ones of the cable modems; means for determining, for each of the bandwidth requests, a mini-slot size based on the modulation and symbol rate of the virtual upstream channel to which a respective cable modem is assigned; and

means for scheduling transmission on a physical channel from cable modems associated with each of the bandwidth requests based on a respective mini-slot size.

53. (Currently amended) A method, comprising:  
grouping cable modems into different groups of cable modems based on latencies associated with the cable modems; and  
allocating bandwidth request opportunities to each of the different groups of cable modems based on the different latencies associated with each of the groups.

54. (Currently amended) The method of claim 53, further comprising:  
assigning a different virtual upstream channel to each of the different groups, wherein where each virtual upstream channel is associated with a different modulation, symbol rate

and/or preamble.

55. (Currently amended) The method of claim 54, further comprising:  
sending a message that allocates upstream bandwidth on each of the different virtual upstream channels, ~~wherein~~ where each message pertains to cable modems of the different groups assigned to a respective virtual upstream channel.

56. (Previously presented) The method of claim 54, further comprising:  
receiving bandwidth requests from multiples ones of the cable modems;  
for each of the bandwidth requests, determining a mini-slot size based on a modulation and symbol rate associated with a respective bandwidth request; and  
scheduling transmission on a physical upstream channel from cable modems associated with each of the bandwidth requests based on a respective mini-slot size.

57. (Currently amended) A method, comprising:  
differentiating slower cable modems from faster cable modems in a cable network;  
and  
assigning upstream bandwidth to the cable modems based on the differentiation ~~such~~ that to allow the slower cable modems ~~are allowed~~ to transmit data on the upstream proportionately more frequently than the faster cable modems.